

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**NATIONAL GRID COMMUNICATIONS, INC.,**

Plaintiff

v.

**TOWN OF LENOX and LENOX ZONING  
BOARD OF APPEALS,**

Defendants

**CIVIL ACTION # 05-CV-30131-MAP**

CERTIFICATION AS TO COMPLIANCE WITH LOCAL RULES 16.1(C)(3)(a)&(b) & 16.4

Counsel for the Defendants, and the Town Manager of the Defendant Town of Lenox and Lenox Zoning Board of Appeals, hereby certify that they have conferred together with a view to establishing a budget for the costs of conducting the full course of litigation in this case. Further, they have conferred to establish a budget for the various alternatives to a full litigation of this case.

Furthermore, they have also considered the resolution of the dispute through alternative dispute resolution programs as are outlined in Local Rule 16.4, and the Defendants do not wish to pursue such alternative programs at this time.

Respectfully submitted,

TOWN OF LENOX and LENOX ZONING BOARD OF APPEALS,

By: /s/ Gregory T. Federspiel  
Gregory T. Federspiel  
Town Manager  
Town of Lenox, Mass.

By: /s/ Jerome J. Scully  
Jerome J. Scully (BBO # 449660)

By: /s/ Anthony C. Blair  
Anthony C. Blair (BBO # 653849)  
Hannon, Lerner  
184 Main Street, PO Box 697  
Lee, Massachusetts 01238  
(413) 243-3311  
Facsimile: (413) 243-4919

Dated: September 7, 2005